



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/790,619         | 03/01/2004             | Gottfried Kellermann  | 3942                   |

22474  
 DOUGHERTY, CLEMENTS & HOFER  
 1901 ROXBOROUGH ROAD  
 SUITE300  
 CHARLOTTE, NC 28211

CONFIRMATION NO. 8840

## FORMALITIES LETTER



\*OC000000012738920\*

Date Mailed: 05/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/24/2004 WABDELRI 00000071 10790619

01 FC:2001 385.00 OP  
 02 FC:2051 65.00 OP  
 03 FC:2201 43.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$43 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$493** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$43**
  - **\$43** for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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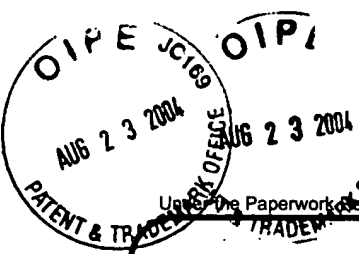
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

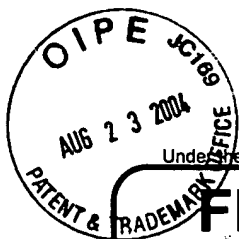


|                                                                                            |                      |                        |      |
|--------------------------------------------------------------------------------------------|----------------------|------------------------|------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/790,619             |      |
|                                                                                            | Filing Date          | 03/01/2004             |      |
|                                                                                            | First Named Inventor | Gottfried Kellermann   |      |
|                                                                                            | Group Art Unit       | 1615                   |      |
|                                                                                            | Examiner Name        | Not Assigned Yet       |      |
| Total Number of Pages in This Submission                                                   | 10                   | Attorney Docket Number | 3942 |

| ENCLOSURES (check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Return Receipt Postcard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                                |
|--------------------------------------------|------------------------------------------------|
| Firm or Individual name                    | Ronald L. Hofer<br>DOUGHERTY, CLEMENTS & HOFER |
| Signature                                  |                                                |
| Date                                       | 08/20/2004                                     |

| CERTIFICATE OF MAILING                                                                                                                                                                                                                              |                   |      |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------|------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 08/20/2004 |                   |      |            |
| Typed or printed name                                                                                                                                                                                                                               | Kelly A. Thompson |      |            |
| Signature                                                                                                                                                                                                                                           |                   | Date | 08/20/2004 |



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) \$548.00

**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 10/790,619            |
| Filing Date          | 03/01/2004            |
| First Named Inventor | Gottfried Kelleermann |
| Examiner Name        | Not Assigned Yet      |
| Art Unit             | 1615                  |
| Attorney Docket No.  | 3942                  |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

04-1448

Dougherty &amp; Clements, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid     |
|--------------|----------|--------------|----------|------------------------|--------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |              |
| 1001         | 770      | 2001         | 385      | Utility filing fee     | \$385.00     |
| 1002         | 340      | 2002         | 170      | Design filing fee      |              |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |              |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |              |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |              |
| SUBTOTAL (1) |          |              |          |                        | (\$ ) 385.00 |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |                                | Extra Claims |                                | Fee from below |                                 | Fee Paid                          |
|--------------------|--------------------------------|--------------|--------------------------------|----------------|---------------------------------|-----------------------------------|
| Total Claims       | <input type="text"/>           | -20** =      | <input type="text"/>           | X              | <input type="text"/>            | = <input type="text"/>            |
| Independent Claims | <input type="text" value="4"/> | -3** =       | <input type="text" value="1"/> | X              | <input type="text" value="43"/> | = <input type="text" value="43"/> |
| Multiple Dependent |                                |              |                                |                |                                 |                                   |

| Large Entity |          | Small Entity |          | Fee Description                                            | Fee Paid    |
|--------------|----------|--------------|----------|------------------------------------------------------------|-------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                                                            |             |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |             |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |             |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |             |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |             |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |             |
| SUBTOTAL (2) |          |              |          |                                                            | (\$ ) 43.00 |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description                                                            | Fee Paid |
|----------|----------|----------|----------|----------------------------------------------------------------------------|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath                                        | \$65.00  |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification                                                  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     | \$55.00  |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal                                                           |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing                                                   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable                                           |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional                                         |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)                                             |          |
| 1502     | 480      | 2502     | 240      | Design issue fee                                                           |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee                                                            |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner                                              |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)                                        |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 120.00

**SUBMITTED BY**

(Complete if applicable)

|                   |                 |                                   |            |           |              |
|-------------------|-----------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Ronald L. Hofer | Registration No. (Attorney/Agent) | 26,467     | Telephone | 704-366-6642 |
| Signature         |                 | Date                              | 08/20/2004 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

Art Unit: 1615 (Examiner Not Assigned Yet)

Applicant(s): Gottfried Kellermann

Serial No: 10/790,619

Filed: 03/01/2004

Title: LIPOSOMAL COMPOSITION COMPRISING L-THEANINE

Charlotte, North Carolina  
August 20, 2004

Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

**SUBMISSION OF MISSING DOCUMENTS AND FEE**

Dear Sir:

Please enter into the file of the subject application the following enclosed documents:


1. Declaration and Power of Attorney for Patent Application;

A credit card authorization in the amount of \$385.00 to cover the basic filing fee of the application is enclosed.

A credit card authorization in the amount of \$65.00 to cover the surcharge for late filing of documents is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Dougherty & Clements, LLP, Deposit Account No. 04-1448.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ronald L. Hofer", is written over a horizontal line.

Ronald L. Hofer  
Attorney for Applicant(s)  
Registration No. 26,467  
DOUGHERTY, CLEMENTS, HOFER & BERNARD  
1901 Roxborough Road, Suite 300  
Charlotte, North Carolina 28211  
Telephone (704) 366-6642

RLH/kat  
Attachments

Attorney's  
Docket 3942